

that "the specification clearly indicates the first and second wager amounts are equal in each embodiment described in the specification."

Applicants respectfully disagree with the Examiner's interpretation of the specification and believe that the application, as originally, filed, would reasonably convey to a skilled artisan that the inventors had possession of the inventions recited in the claims, as amended by the previous response dated October 16, 2002. Applicants provide three exemplary excerpts from the specification that describe a second wager which is an amount larger than a first wager.

A) FIG. 2 shows a flowchart that has a decision box 8 that determines how many coins were played (i.e., what was the wager). The outputs of this decision box 8 shows that the valid possibilities include one coin, two coins or three coins. Each of these outputs leads to paying a different jackpot. Thus, FIG. 2 illustrates a system that contemplates three wager amounts and, furthermore, the wager amounts are different. More particularly, two coins is a higher wager amount than a one coin wager and three coins is a higher wager amount than both a one coin wager and a two coin wager.

B) The original specification, at page 1, line 24 through page 2, line 5 provides the following description:

[A] single coin bet on a game entitles the player to win a first progressive jackpot ... If the player chooses to deposit two coins for a single game, the player can then win a second progressive jackpot ...If the player deposits three coins for a single game, the player has an opportunity to win a third progressive jackpot ..."

Applicants urge that this description clearly conveys that a player can place bets of differing amounts which inherently means some bets are larger than others. As a result of the different bets, different progressive jackpots may get paid.

C) The original specification at page 6, lines 9-16 provides the following description of how a player can wager at a slot machine to initiate play:

In another embodiment, a three coin play activates the three paylines 34-36 and jackpot 1. An additional three coins doubles the awards as well as enables the winning of jackpot 2. An additional three coins triples the base awards and enables the winning of jackpot.

In this description, the valid wagers for a player are 3 coins, 6 coins or 9 coins. Thus, one of ordinary skill would have recognized that a first wager and a second wager are described in which the second wager amount is larger than the first wager amount as recited in the claims.

Applicants urge that subject matter of claims 23-46, 56, 57, 91 and 92 are described within the originally filed specification with sufficient clarity and detail so as to reasonably convey to one skilled in the art that the inventors had possession of the claimed invention. Reconsideration and withdrawal of the rejection under the first paragraph of 35 USC 112 of claims 23-46, 56, 57, 91 and 92 are respectfully requested.

Rejection under 35 USC §102 over Woods et al.

Claims 23-92 stand rejected under 35 USC §102 as anticipated by Woods et al.

Applicants urge that Woods et al. do not identically disclose every feature recited in the claims and, therefore, do not anticipate the claims as required to support the rejection under 35 USC §102 .

Claims 23, 35, 58 and 70 all recite that a first progressive jackpot is paid if the wager is at least a first wager amount and that a second progressive jackpot is paid if the wager is at least a second wager amount, the second wager amount being larger than the first wager amount.

In contrast to payment of a progressive jackpot based on the amount of the wager, as recited in the independent claims, Woods et al. disclose only payment of multiple progressive jackpots "for differing combinations [of poker hand outcomes]." (see column 8, lines 43-58). While Woods et al. do mention a "separate bonus wager" being allocated to a progressive jackpot (see column 4, lines 58-62), Woods et al. do not disclose paying a first progressive jackpot if the wager is a first wager amount and paying a second progressive jackpot if the wager is a second wager amount.

Claims 56, 57, 91 and 92 include similar language about first and second wager amounts with the second wager amount being larger than the first wager amount.

Applicants, therefore, urge that Woods et al. do not identically disclose all the features recited in claims 23, 35, 56, 57, 58, 70, 91 and 92 and, therefore, do not factually support the rejection under 35 USC §102 of these claims and the claims which depend therefrom. Accordingly, reconsideration and withdrawal of the rejection under 35 USC §102 of claims 23-46, 56-81, 91 and 92.

Claims 47 and 82 recite "paying the largest of either the first progressive jackpot or the second progressive jackpot if the random gaming result is a winning progressive jackpot result." Thus, these claims require that upon a prescribed random gaming result, the largest of two jackpots is paid-out. Woods et al. disclose no such feature; instead, in Woods et al., different progressive jackpots may get paid based on the outcome of the underlying poker game. For example, a more remote combination may pay a larger jackpot than a more common

combination (see column 8, lines 43-58). Within Woods et al., for any particular poker result, there is only one progressive jackpot amount paid out which is in direct contrast to claims 47 and 82 which pay out the larger of two different progressive jackpots for a particular "random gaming result."

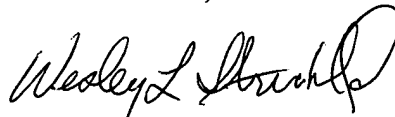
Applicants, therefore, urge that Woods et al. do not identically disclose all the features recited in claims 47 and 82 and, therefore, do not factually support the rejection under 35 USC §102 of these claims and their dependent claims. Accordingly, reconsideration and withdrawal of the rejection under 35 USC §102 of claims 47-57 and 92-92 are respectfully requested.

SUMMARY

In view of the above comments, Applicants believe that claims 23-92 are in condition for allowance and passage of this case to issue is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,
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